

FEB 03 2006

PTO/59/61 (10-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)	Docket Number (Optional) 1172/212
First Named Inventor: Hugh et al. Art Unit: 2174 Application Number: 09/236,057 Examiner: Sax, Steven Paul Filed: January 22, 1999 Title: METHOD AND APPARATUS FOR ORGANIZING AND PROCESSING INFORMATION USING A DIGITAL COMPUTER Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 <p style="text-align: center;">NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.</p> <p style="text-align: center;">APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION. NOTE: A grantable petition requires the following items: (1) Petition fee. (2) Reply and/or issue fee. (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable delay.</p> <p>1. Petition fee</p> <p><input checked="" type="checkbox"/> Small entity - fee \$ <u>250.00</u> (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Other than small entity - fee \$ _____ (37 CFR 1.17(l)).</p> <p>2. Reply and/or fee</p> <p>A The reply and/or fee to the above-noted Office action in the form of <u>Response to OA dated 06/14/05</u> (Identify the type of reply):</p> <p><input type="checkbox"/> has been filed previously on _____</p> <p><input checked="" type="checkbox"/> is enclosed herewith.</p> <p>B The issue fee of \$ _____</p> <p><input type="checkbox"/> has been filed previously on _____</p> <p><input type="checkbox"/> is enclosed herewith.</p>	

02/07/2006 MBINAS 00000013 09236057

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(Page 1 of 3)

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/61 (10-05)

Approved for use through 07/31/2008. OMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Wen Liu
Signature

February 3, 2006

Date

WEN LIU
Typed or printed name

32,822

Registration Number, if applicable

444 S. Flower Street, Suite 1750
Address
Los Angeles, CA 90071
Address

(213) 830-5740

Telephone Number

Enclosure ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unavoidable delay☐**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

February 3, 2006
Date

Julie Nguyen
Signature

JULIE NGUYEN

Typed or printed name of person signing certificate

FEB 03 2006

PTO/SB/61 (10-05)

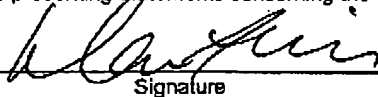
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.



Signature

February 3, 2006

Date

WEN LIU

Typed or printed name

32,822

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

Applicant's representative of record never received a copy of the Office Action dated June 14, 2005 by mail, and was not aware of such until the Examiner called Applicant's representative on January 20, 2006 concerning the status of Applicant's response to the office action. (See attached Declarations of Wen Liu and Julie Nguyen.) On January 25, 2006, Applicant's representative received the Notice of Abandonment dated January 23, 2006. Thereafter, Applicant acted with diligence in promptly filing the present Petition, along with a reply to the outstanding Office Action, including claim amendments placing the present application in condition for allowance.

As indicated in the docket records for this application attached to the Declarations, there has not been any entry of the non-received Office Action. Therefore, there has not been any docket entry into the docket records for the non-received Office Action dated June 14, 2005.

Applicant respectfully submits that the entire delay in filing the required reply from the due date of the reply (i.e., September 14, 2005) until the filing of the present petition was unavoidable, was due to unexpectedly, or through the unforeseen fault or imperfection of the U.S Postal Service to fail to deliver the Office Action to Applicant's representative. The non-receipt of the Office Action is entirely the result of circumstances beyond Applicant's control, which must have taken place from the dispatch of the Office Action at the Patent Office, to the office of Applicant's representative.

(Please attach additional sheets if additional space is needed.)

(Page 3 of 3)

FEB 03 2006

PATENT
Docket No.: 1172/212**CERTIFICATE OF TRANSMISSION BY FACSIMILE**

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office Fax No. (571) 273-8300 on February 3, 2006.



Julie Nguyen

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Hugh, et al.

Serial No.: 09/236,057

Filing Date: January 22, 1999

For: METHOD AND APPARATUS FOR
ORGANIZING AND PROCESSING
INFORMATION USING A DIGITAL
COMPUTER

Examiner: Sax, Steve Paul

Group Art Unit: 2174

**DECLARATION OF WEN LIU
IN SUPPORT OF PETITION TO REVIVE UNAVOIDABLE ABANDONMENT
UNDER 37 CFR 1.137(a)**

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

WHEREAS, I, Wen Liu, a member of the State Bar of California, and a member of the
U.S. Patent Bar, declare the following:

1. I am the attorney representative for the Applicant of the present application.

2. Examiner Sax called me on January 20, 2006 concerning the status of the response to the Office Action dated June 14, 2005 ("Office Action"). I was not aware of the Office Action before the Examiner's call.
3. I requested my assistant, Julie Nguyen, to download a copy of the Office Action from the Patent Office website on January 20, 2006, right after the Examiner's call.
4. My firm relied upon the ordinary and trustworthy U.S. Postal Service that delivers mail from the U.S. Patent Office, worthy and reliable employees, and means and instrumentalities such as a computerized docketing system deployed at my firm, in connection with Patent Office communications and timely responses thereto.
5. I have reviewed my firm's file jackets and docket records relating to this application, and did not find a copy of the Office Action, and did not see any docket entry concerning the Office Action, prior to the Examiner's call.
6. Attached hereto is a true copy of the docket record for this application, where the non-received Office Action would have been entered had it been received and docketed.
7. My assistant, Julie Nguyen, is the designated person who has the responsibility of handling all incoming mail from the Patent Office, including the established routine of docketing all Office communications requiring a reply into the computerized docketing system deployed at my firm shortly after the communications are received, indicating on the front of each Office Action that the respective Office communication has been docketed and the relevant due date for reply, and forwarding the Office communications to my attention.
8. Upon review of the Office communications, I would place my initial next to the reply due dates.
9. I do not recall reviewing a copy of the Office Action before the Examiner's call, and I would have recalled reviewing a copy since the Office Action reported fairly favorable

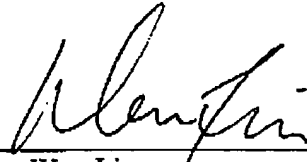
results in a case that has a relatively long prosecution history. I would have been eager to report to the Applicant the favorable results. I am the only person at my firm who has responsibility to prosecute this application, at least since June 14, 2005, the mailing date of the Office Action.

10. I do not have any recollection of any circumstance out of the ordinary that may have caused my assistant to deviate from taking appropriate and necessary steps in docketing the Office Action if it was received in the mail.
11. I do not have any recollection of any circumstance out of the ordinary that may have caused my assistant to deviate from exercising due care or diligence that is generally used and observed by a prudent and careful person in relation to the important task of docketing.
12. I did not receive the Office Action prior to the Examiner's call on January 20, 2006.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Executed on this 3rd day of February, 2006 at Los Angeles, California.

Respectfully submitted,



Wen Liu
Registration No. 32,822

LIU & LIU
444 S. Flower Street; Suite 1750
Los Angeles, California 90071
Telephone: (213) 830-5743
Facsimile: (213) 830-5741

Attachment: Copy of docket record

Date: February 3, 2006

Case Tracking System

Reminder List With Completed Items

RECEIVED
CENTRAL FAX CENTER
FEB 03 2006

Date Due	Done	Who	What	Case No	Inventor	Case Title
1/22/1999	CTS	File New Application (CTSPA001)	1172/212	Hugh	Method & Apparatus for Organizing & Processing Info. Using a Digital Computer	
5/17/1999	CTS	Assignment Recording (CTSPB012)	1172/212	Hugh	Method & Apparatus for Organizing & Processing Info. Using a Digital Computer	
12/27/1999	CTS	Assignment Recording (CTSPB012)	1172/212	Hugh	Method & Apparatus for Organizing & Processing Info. Using a Digital Computer	
2/13/2003	2/13/2003	Office Action Received (CTSP0001)	1172/212	Hugh	Method & Apparatus for Organizing & Processing Info. Using a Digital Computer	
3/13/2003	3/15/2004	Response Sent (CTSP0012)	1172/212	Hugh	Method & Apparatus for Organizing & Processing Info. Using a Digital Computer	
4/15/2004	Received	Office Action Postcard Due (CTSP0010)	1172/212	Hugh	Method & Apparatus for Organizing & Processing Info. Using a Digital Computer	

FEB 03 2006

PATENT
Docket No.: 1172/212

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office Fax No. (571) 273-8300 on February 3, 2006.



Julie Nguyen

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Hugh, et al.

Serial No.: 09/236,057

Filing Date: January 22, 1999

For: METHOD AND APPARATUS FOR
ORGANIZING AND PROCESSING
INFORMATION USING A DIGITAL
COMPUTER

Examiner: Sax, Steve Paul

Group Art Unit: 2174

DECLARATION OF JULIE NGUYEN
IN SUPPORT OF PETITION TO REVIVE UNAVOIDABLE ABANDONMENT
UNDER 37 CFR 1.137(a)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

WHEREAS, I, Julie Nguyen, declare the following:

1. I am under the employment of Wen Liu, the attorney representative for the Applicant of the present application, for the past six years.
2. I was not aware of the Office Action dated June 14, 2005 ("Office Action") before January 20, 2006.

3. I have not seen a copy of the Office Action before January 20, 2006.
4. I downloaded a copy of the Office Action from the Patent Office website on January 20, 2006, upon Wen Liu's request.
5. I have reviewed the file jackets and docket records relating to this application, and did not find a copy of the Office Action, and did not see any docket entry concerning the Office Action, prior to January 20, 2006.
6. Since my employment with Wen Liu, I have been the designated person who handles all incoming mail from the Patent Office, including the established routine of docketing all Office communications requiring a reply into the computerized docketing system deployed at my firm shortly after the communications are received, indicating on the front of each Office Action that the respective Office communication has been docketed and the relevant due date for reply, and forwarding the Office communications to Wen Liu's attention.
7. I generated and attached hereto a true copy of the docket record for this application, where the non-received Office Action would have been entered had it been received and docketed.
8. I do not have any recollection of any circumstance out of the ordinary that may have caused me to deviate from taking appropriate and necessary steps in docketing the Office Action if it was received in the mail.
9. I do not have any recollection of any circumstance out of the ordinary that may have caused me to deviate from exercising due care or diligence in relation to the important task of docketing.
10. I did not receive the Office Action prior to January 20, 2006.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Executed on this 3rd day of February, 2006 at Los Angeles, California.

Respectfully submitted,



Julie Nguyen

Attachment: Copy of docket record

Date: February 3, 2006

Case Tracking System
Reminder List With Completed Items

RECEIVED
CENTRAL FAX CENTER

FEB 03 2006

Date Due	Done	Who	What	Case No	Inventor	Case Title
1/22/1999	CTS	CTS	File New Application (CTSPAO01)	1172212	Hugh	Method & Apparatus for Organizing & Processing Info. Using a Digital Computer
5/17/1999	CTS	CTS	Assignment Recording (CTSPBO12)	1172212	Hugh	Method & Apparatus for Organizing & Processing Info. Using a Digital Computer
12/27/1999	CTS	CTS	Assignment Recording (CTSPBO12)	1172212	Hugh	Method & Apparatus for Organizing & Processing Info. Using a Digital Computer
2/13/2003	2/13/2003		Office Action Received (CTSPBO01)	1172212	Hugh	Method & Apparatus for Organizing & Processing Info. Using a Digital Computer
3/13/2003	3/15/2004		Response Sent (CTSPBO12)	1172212	Hugh	Method & Apparatus for Organizing & Processing Info. Using a Digital Computer
4/15/2004	Received	CTS	Office Action Postcard Due (CTSPBO10)	1172212	Hugh	Method & Apparatus for Organizing & Processing Info. Using a Digital Computer

FEB 03 2006

PATENT
Docket No.: 1172/212

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Julie Nguyen

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Hugh, et al.

Serial No.: 09/236,057

Filing Date: January 22, 1999

For: METHOD AND APPARATUS FOR
ORGANIZING AND PROCESSING
INFORMATION USING A DIGITAL
COMPUTER

Examiner: Sax, Steve Paul

Group Art Unit: 2174

TRANSMITTAL FOR RESPONSE TO OFFICE ACTION

Mail Stop Pctitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Response to the Office Action dated June 14, 2005 in the above-referenced patent application:

- ☐ No additional fee is required.
- ☒ Other enclosures: Petition for Revival of an Application for Patent Abandoned Unavoidably and Credit Card Payment Form (PTO-2038).

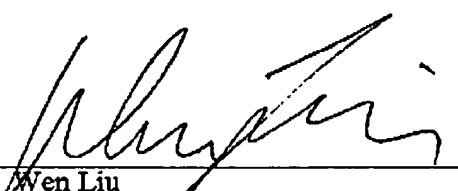
The fee (if any) has been calculated as follows:

FOR	CLAIMS ON FILE AFTER THIS AMENDMENT MINUS HIGHEST NUMBER PREVIOUSLY PAID FOR	NUMBER EXTRA	RATE	CALCULATIONS
TOTAL CLAIMS	56-66	0	x \$18.00	\$0
INDEPENDENT CLAIMS	6-6	0	x \$86.00	\$0
MULTIPLE DEPENDENT CLAIM(S) (if not previously paid for and presented for the first time) *			+ \$290.00	\$0
TOTAL OF ABOVE CALCULATIONS =				\$0
Reduction by 1/2 for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27, 1.28).				\$0
SUB TOTAL =				\$0
Petition for Revival of Application for Patent Abandoned Unavoidably				\$250.00
TOTAL =				\$250.00

- ☒ Please charge \$250.00 to the credit card account in the attached Credit Card Payment Form (PTO-2038).
- ☐ Please charge \$ to Deposit Account No. 501288 referencing docket no. 1172/212.
- ☒ The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this transmittal and associated documents, or to credit any overpayment to Deposit Account No. 501288 referencing docket no. 1172/212. A duplicate copy of this transmittal is enclosed, for that purpose.

Respectfully submitted,

Dated: February 3, 2006


Wen Liu
Registration No. 32,822

LIU & LIU
444 S. Flower Street; Suite 1750
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